

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL DEVIN FLOYD,

Plaintiff,

v.

24 HOUR FITNESS USA, LLC,

Defendant.

Case No. 23-cv-00871-EMC

**ORDER DENYING PLAINTIFF'S  
REQUEST FOR PROBATION  
REFERRAL IN UNRELATED CASE**

Docket No. 69

Plaintiff Michael Floyd has filed suit against Defendant 24 Hour Fitness USA, LLC ("24HF"). He asserts various claims against 24HF related to its termination of his gym membership. Now pending before the Court is a motion from Mr. Floyd in which he notes that he is currently scheduled for a sentencing in Santa Clara Superior Court and in which he asks this Court to issue a letter stating that Mr. Floyd is litigating this suit as well as several other suits in the Northern District of California and recommending that probation be given in the state court case "as justice could not be served [in the federal cases] with an inexperienced pro se litigant in custody." Mot. at 2.

The motion for relief is **DENIED**. The federal and state proceedings are completely independent. It would be improper for this Court to make a recommendation to the state court or

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1 otherwise weigh in on how the state court should decide its case. *Cf. City of Baton Rouge v.*  
2 *Centroplex Ctr. Convention Hotel, L.L.C.*, 105 F.4th 683, 688 (5th Cir. 2024) (noting that “comity  
3 concerns ‘a proper respect for state functions’ and is a ‘continuance of the belief that the National  
4 Government will fare best if the States and their institutions are left free to perform their separate  
5 functions in separate ways’”).

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7 **IT IS SO ORDERED.**

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9 Dated: November 18, 2024

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13 EDWARD T. CHEN  
14 United States District Judge  
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